

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

CALEB MICHAEL DUDLEY
Plaintiff,

Civil Action No.: 3:25-cv-00013

v.

SHERRIE DANIELLE JOYNES, and
STEPHANIE MORTON,
Defendants.

**MEMORANDUM IN SUPPORT OF DEFENDANT'S
UNOPPOSED MOTION TO FILE A LATE PLEADING**

COMES NOW, Defendant Sherrie Joynes, by and through undersigned counsel, respectfully submits this Memorandum in Support of her Motion to File a Late Pleading in the above-captioned matter. Due to unforeseen circumstances, including counsel's temporary absence from the office for family medical reasons, Defendant was unable to file the pleading within the prescribed time period. Counsel for Plaintiff has been contacted and does not oppose the requested relief. Allowing the late filing will not prejudice any party and will facilitate the efficient progression of this case.

II. STATEMENT OF FACTS

1. Plaintiff, through his counsel, filed the complaint herein on or about January 10, 2025
2. The Complaint was received by Defendant's family member on or about January 25, 2025, but later given to defendant approximately two weeks after received.

3. Defendant asserts that she needed time to retain counsel for the matter,
4. Defendant contacted undersigned counsel for representation in March after initial deadlines for the pleading had passed.
5. However, due to family medical circumstances, undersigned counsel was temporarily out of the office and unable to file the necessary pleading.
6. Counsel for Defendant has since communicated with counsel for Plaintiff, who has confirmed that they do not oppose this motion.
7. Both parties agree that granting this motion will not prejudice either party and will assist in moving the case forward.

III. LEGAL STANDARD

Federal Rule of Civil Procedure 6(b)(1)(B) provides that the Court may, for good cause, extend the time for filing if the failure to act was due to excusable neglect. In determining whether excusable neglect exists, courts consider several factors as outlined by the Supreme Court in *Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership*, 507 U.S. 380, 395 (1993): The danger of prejudice to the non-moving party; The length of the delay and its potential impact on judicial proceedings; The reason for the delay, including whether it was within the reasonable control of the movant; and Whether the movant acted in good faith.

IV. ARGUMENT

Applying the applicable factor to the case at hand, we believe that a late filing is warranted.

First, there is Good Cause and Excusable Neglect Exist for the Late Filing. The delay in filing was caused by unforeseen family medical circumstances, which constitute good cause under Rule 6(b)(1)(B). The delay was not due to bad faith or any willful disregard of the rules but rather an unavoidable personal matter.

Second, No Prejudice to Plaintiff or Impact on Proceedings. Plaintiff does not oppose this motion and has indicated that there is no prejudice in allowing the late filing. Granting this motion will not cause undue delay and will, in fact, facilitate the efficient progression of the case.

Third, Defendant Acted in Good Faith. Defendant and her counsel have promptly addressed this issue upon returning to regular operations. Communication with Plaintiff's counsel further demonstrates the good faith effort to resolve this matter amicably.

V. CONCLUSION

For the foregoing reasons, Defendant respectfully requests that this Court grant her Motion to File a Late Pleading and allow her to proceed with the filing in the interest of justice and judicial efficiency.

Respectfully submitted,

Sherrie Joynes

_____/s/ 

Counsel

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of April 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a copy of the foregoing to the following:

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